

R E M A R K S

Referring to the Office Action mailed September 12, 2003, applicants have carefully studied the Examiner's rejections, and have responded accordingly.

Claims 1-7 and 9-11 stand rejected under the judicially created doctrine of double patenting. The present amendment includes a terminal disclaimer to overcome this rejection.

Claims 1-7 and 9 stand rejected under 35 USC § 102(b) as being anticipated by 5,706,626 to Mueller. Claims 1,3, and 9-11 are amended to distinguishes the load points referenced in 5,706,626 to Mueller. Mueller does not teach or suggest controlling the ductile response of a metal panel by providing deflection elements in a panel, material M', surrounding load points to absorb lateral loading and deform. Mueller teaches away from the present disclosure by providing "reinforcing members 140 serve the purpose of reducing the tendency of the diaphragm members 110a and 110b to buckle under the loads generated by the shear forces." (col. 9 lines 5-8) Reinforcement 140 of Mueller is intended to stop deflection or buckling. As defined by the examiner in the September 12, 2003 office action, "ductility" is the ability of a member to be easily shaped or molded." The present disclosure encourages tailored ductility or deflection of deflection elements M' along units U' or strips 519.

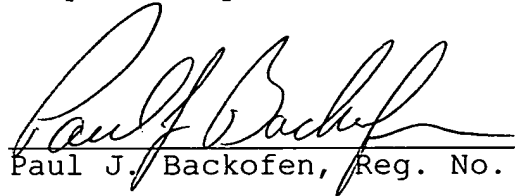
Claims 10 and 11 stand rejected under 35 USC § 103(a) as being unpatentable over 5,706,626 to Mueller. Claims 10 and 11 are amended herein to incorporate deflection elements M'. Mueller teaches away from the present disclosure by providing "reinforcing members 140 serve the purpose of reducing the tendency of the diaphragm members 110a and 110b to buckle under

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the loads generated by the shear forces." (col. 9 lines 5-8)
Reinforcement 140 of Mueller is intended to stop deflection or
buckling.

Applicant respectfully requests that the Examiner consider
the claims, allow the claims, and pass this case to issue.

Respectfully Submitted,



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